

REMARKS

In response to the above-identified Office Action, Applicants amend the application and seek reconsideration thereof. In this response, Applicants amend Claims 1, 9 and 10, and add new Claim 11. Applicants do not cancel any claims. Accordingly, Claims 1-11 are pending.

I. Claims Rejected Under 35 U.S.C. §102

The Examiner rejects Claim 1 under 35 U.S.C. 102(b) as being anticipated by Sashiro et al. JP 2000-149765, hereafter “Sashiro.” Applicants amend independent Claim 1.

In order to anticipate a claim, the relied upon reference must disclose every limitation of the claim. *Scripps Clinic & Research Found v. Genentech*, 927 F.2d 1565, 1576, 18 USPQ2d 1001, 1010 (Fed. Cir. 1991). Amended independent Claim 1 defines a vacuum fluorescent display with phosphors that emit light upon bombardment of electrons and includes, among other elements, a cap having a cylindrical-shaped bottom to cover the display portion of the envelope and a side surface of the envelope.

In making the rejection, the Examiner characterizes Sashiro as showing “a cap made of x-ray shielding material and supported outside the envelope so as to surround the display portion of the envelope through a gap, having a light exit surface.” Paper No. 5, page 2. Applicants respectfully submit that Sashiro does not teach each of the elements of Claim 1.

Sashiro teaches the display portion of an envelope having face glass 102, fluorescent face 104 and metal pack film 107 formed inside an envelope. However, the display portion consisting of face glass 102 is externally exposed, while Claim 1 recites a cylindrical-shaped bottom to cover the display portion. Therefore, Sashiro fails to teach at least a vacuum fluorescent display including a cap having a cylindrical-shaped bottom to cover the display portion of the envelope and a side surface of the envelope.

Thus, Sashiro fails to teach each of the elements of Claim 1 since Sashiro fails to teach at least a cap having a cylindrical-shaped bottom to cover the display portion of the envelope and the side-surface of the envelope. Therefore, Sashiro’s failure to teach each of the elements of Claim 1 is fatal to the anticipation rejection. Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 1.

II. Claims Rejected Under 35 U.S.C. §103(a)

A. Sashiro in view Cathey

The Examiner rejects Claims 2 and 5-8 under 35 U.S.C. 103(a) as being obvious over Sashiro in view of U.S. Patent No. 6,361,391 issued to Cathey et al. (“Cathey”). Applicants respectfully traverse this rejection.

In order to render a claim obvious, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Claims 2 and 5-8 depend from independent Claim 1 and contain all of the limitations thereof. Therefore, the discussion above regarding Sashiro’s failure to teach a cap having a cylindrical-shaped bottom to cover the display portion of the envelope and the side-surface of the envelope in Claim 1 is equally applicable to an obviousness rejection of Claims 2 and 5-8.

In making the rejection, the Examiner cites Cathey for teaching etchable lead glass. Cathey teaches a process for forming spacers between two surfaces in field emission displays. Cathey, Col. 2, lines 37-39. The spacers provide support against the atmospheric pressure on a flat panel display without impairing the resolution of the image. Cathey, Col. 1, lines 19-24.

The Examiner does not cite any sections of Cathey for teaching or suggesting a cap having a cylindrical-shaped bottom to cover the display portion of the envelope and a side surface of the envelope. Moreover, Applicants have reviewed Cathey and cannot discern any sections of Cathey that teach or suggest at least these elements.

Thus, Cathey fails to cure the defects of Sashiro. Therefore, the failure of the combination of Sashiro and Cathey to teach or suggest each of the limitations of Claims 2 and 5-8 is fatal to the obviousness rejection. Accordingly, Applicants respectfully request withdrawal of the rejection of Claims 2 and 5-8.

B. Sashiro in view of Winsor

The Examiner rejects Claim 3 under 35 U.S.C. 103(a) as being obvious over Sashiro in view of U.S. Patent No. 5,466,990 issued to Winsor (“Winsor”). Applicants respectfully traverse this rejection.

In order to render a claim obvious, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Claim 3 depends from independent Claim 1 and contains all of the limitations thereof. Therefore, the discussion above regarding Sashiro’s failure to teach a cap having a cylindrical-shaped bottom to cover the display portion of the envelope and a side surface of the envelope in Claim 1 is equally applicable to an obviousness rejection of Claim 3.

In making the rejection, the Examiner cites Winsor for teaching a cooling liquid to maintain the overall temperature of a lamp at a selected temperature. Winsor teaches a fluorescent lamp having a pair of planar electrodes on an inside surface of a vacuum chamber. Winsor, Col. 2, lines 55-57.

The Examiner does not cite any sections of Winsor for teaching or suggesting a cap having a cylindrical-shaped bottom to cover the display portion of the envelope and the side-surface of the envelope. Moreover, Applicants have reviewed Winsor and cannot discern any sections of Winsor that teach or suggest at least these elements.

Thus, Winsor fails to cure the defects of Sashiro. Therefore, the failure of the combination of Sashiro and Cathey to teach or suggest each of the limitations of Claim 3 is fatal to obviousness rejection. Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 3.

C. Sashiro in view of Nakamoto

The Examiner rejects Claim 4 under 35 U.S.C. 103(a) as being obvious over Sashiro in view of U.S. Patent No. 6,097,138 issued to Nakamoto ("Nakamoto"). Applicants respectfully traverse this rejection.

In order to render a claim obvious, the relied upon references must teach or suggest every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. Claim 4 depends from independent Claim 1 and contains all of the limitations thereof. Therefore, the discussion above regarding Sashiro's failure to teach a cap having a cylindrical-shaped bottom to cover the display portion of the envelope and a side surface of the envelope in Claim 1 is equally applicable to an obviousness rejection of Claim 4.

In making the rejection, the Examiner cites Nakamoto for teaching the use of carbon nanotubes in order to decrease the driving voltage and the consumption power. Nakamoto teaches a field emission cold-cathode device and a vacuum micro device using the cold-cathode device. Nakamoto, Col. 1, lines 4-8.

The Examiner does not cite any sections of Nakamoto for teaching or suggesting a cap having a cylindrical-shaped bottom to cover the display portion of the envelope and the side-surface of the envelope. Moreover, Applicants have reviewed Nakamoto and cannot discern any sections of Nakamoto that teach or suggest at least these limitations.

Thus, Nakamoto fails to cure the defects of Sashiro. Therefore, the failure of the combination of Sashiro and Nakamoto to teach or suggest each of the limitations of Claim 4 is fatal to the obviousness rejection. Accordingly, Applicants respectfully request withdrawal of the rejection of Claim 4.

III. Allowable Subject Matter

Applicants note with appreciation the Examiner's indication that Claims 9-10 would be allowable if rewritten in independent form to include all of the limitations of the base claims and any intervening claims. Applicants have rewritten Claims 9-10 in independent form to include all of the limitations of the base claims and any intervening claims. Accordingly, Applicants respectfully submit Claims 9-10 are in condition for allowance.

IV. New Claims

Applicants have added new Claim 11. New Claim 11 depends from independent Claim 1 and contains all of the limitations thereof. Therefore, at least for the reasons discussed above regarding Claim 1, Applicants believe Claim 11 is in condition for allowance.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending (1) are in proper form, (2) are neither obvious nor anticipated by the relied upon art of record, and (3) are in condition for allowance. A Notice of Allowance is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207-3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly, extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP

Dated: _____

9/8/03

By _____

Eric S. Hyman, Reg. No. 30,139

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on September 8, 2003.

S. Nadya Gordon 9/8/03
Nadya Gordon Date